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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT	PAPER NUMBER
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2617

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Please find below and/or attached an Office communication concerning this application or proceeding.



## DETAILED ACTION

### *Claim Objections*

1. Claims **22, 23, 25, 28, 29, 33-36** are objected to because of the following informalities:

Referring to claims **22** and **23**, the preamble “a method” is inconsistent with the preamble of claim **20**, upon which it depends. The examiner assumes that the applicant intended claims **22** and **23** to depend on claim **21** and addresses these claims in the office action below as though the changes have been made.

Referring to claim **25**, the examiner recommends that the word “uses” in line 2 of the claim be changed to the word “used.” The examiner addresses this claim in the office action below as though the changes have been made.

Referring to claim **28**, the limitations disclosed fail to further limit claim **26**. The examiner assumes that the applicant intended claim **28** to depend on claim **27** and addresses this claim in the office action below as though the changes have been made.

Referring to claim **29**, the limitation “the advertising campaign” lacks antecedent basis. The examiner assumes that the applicant intended claim **29** to depend on claim **27** and addresses this claim in the office action below as though the changes have been made.

Referring to claims **33** and **34**, the limitation “the one or more target attributes” lacks antecedent basis. The examiner assumes that the applicant intended claims **33** and **34** to depend on claim **32** and addresses these claims in the office action below as though the changes have been made.

Art Unit: 2617

Referring to claim **35**, the limitation “the unique combination of the one or more target attributes” lacks antecedent basis. The examiner assumes that the applicant intended claim 35 to depend on claim 32 and addresses this claim in the office action below as though the changes have been made.

Referring to claim **36**, the limitation “the one or more advertising campaigns” lacks antecedent basis. The examiner assumes that the applicant intended claim 36 to depend on claim 32 and addresses this claim in the office action below as though the changes have been made.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1, 3-6, 8-13, 18-33, 35-38, 41** are rejected under 35 U.S.C. 102(e) as being anticipated by Carruthers et al.

Referring to claims **1** and **13**, Carruthers et al. discloses a method/computer program product for scheduling an advertising campaign to achieve an advertising impression goal in a system including at least one processor and configured to display advertisements associated with an advertising campaign, the method comprising:

Art Unit: 2617

- a step for receiving historical data at a planning module, the historical data representing a number and a type of a plurality of advertising impressions of advertisements viewed by one or more target viewers (p. 2, paragraph 22);
- a step for retrieving existing campaign data representing the number of the plurality of advertising impressions of the advertisements scheduled for future display to the one or more target viewers (p. 2, paragraph 23); and
- a step for combining the historical data and the existing campaign data to generate a schedule of available advertising inventory, the schedule usable by an advertiser to reserve advertising inventory of the available advertising inventory for the advertising campaign so that the advertising impression goal for the advertising campaign is achieved within the timeframe and among the one or more target viewers selected by the advertiser (p. 2, paragraphs 24, 25, 26)(p. 3, paragraphs 27-35)(Figs. 1-3).

Referring to claims 3, Carruthers et al. discloses a method as recited in claim 1, further comprising a step for notifying an individual when the requested impression goal for the advertising campaign exceeds the available advertising inventory (p. 2, paragraph 25).

Referring to claim 4, Carruthers et al. discloses a method as recited in claim 1, further comprising a step for booking multiple advertising campaigns within the same timeframe and target, allowing the total advertising inventory to be split among these simultaneous campaigns according to various weights (p. 3, paragraphs 32-34).

Referring to claims 5 and 6, Carruthers et al. discloses a method as recited in claim 4, further comprising a step for overbooking one or more entries in the schedule of the available

Art Unit: 2617

advertising inventory (setting a campaign goal that exceeds available advertising inventory projections) and a step for resolving a conflict between the requested impression goal and the available advertising inventory (identifying and suggesting which constraints could be relaxed in order to achieve campaign goals)(p. 2, paragraph 25).

Referring to claims **8, 18, 23, and 29**, Carruthers et al. discloses the method/computer program product as recited in claims 1, 13, 21, and 27, respectively, further comprising a step for defining the advertisements as either a committed advertisement or a flexible advertisement (In addition to creating active advertising campaigns, Carruthers et al. discloses providing a set of default or filler advertising impressions to be displayed when there is no content available for a given user)(p. 5, paragraph 75). Referring to claim **23**, see the claim objections above.

Referring to claims **9 and 19**, Carruthers et al. discloses the method/computer program product as recited in claims 1 and 13, respectively, further comprising a step for weighting the advertisement, the weighting defining the frequency of display of the advertisement (p. 3, paragraphs 34, 35).

Referring to claims **10 and 20**, Carruthers et al. discloses the method/computer program product as recited in claims 1 and 13, respectively, further comprising a step for adjusting the advertising type and weights of different campaigns at various times to avoid conflicts or overbooking before or during a scheduled campaign (this limitation is met by the citations noted in the rejection of claim 9 above).

Referring to claim **11**, Carruthers et al. discloses a method as recited in claim 1, wherein the step for receiving historical data comprises a step for receiving historical data from a control module remote from the planning module (p. 3, paragraph 29)(p. 4, paragraph 41).

Referring to claim 12, Carruthers et al. discloses a method as recited in claim 1, wherein the step for retrieving schedule data comprises a step for retrieving, from a control module, the schedule data, the control module being remote from the planning module (this limitation is met by the citation noted in the rejection of claim 11 above).

Referring to claims 21, 27, and 32, Carruthers et al. discloses a method for weighting scheduled advertisements in a system, including at least one processor, configured to schedule the display of an advertisement from an available advertising inventory of advertising impressions, the method comprising:

- a step for identifying one or more target attributes for one or more advertising campaigns, each advertising campaign of the one or more advertising campaigns comprising a unique combination of the one or more attributes (p. 2, paragraphs 23, 29)
- a step for identifying one or more advertising impression goals for the display of advertisements in one or more advertising campaigns to at least one target viewer (this limitation is met by the citations noted in the rejection of claim 9 above); and
- a step for defining an advertisement weight for an advertising campaign of the one or more advertising campaigns, the advertisement based upon the advertising impression goal and the available advertising inventory, and the weight defining the display frequency of the advertisement to achieve the advertising impression goal (this limitation is met by the citations noted in the rejection of claim 9 above) and further being either an absolute weight or a

relative weight (this limitation is met by the citation noted in the rejection of claim 24 below).

Referring to claims **22** and **28**, see the claim objections above. Carruthers et al. discloses methods as recited in claims 21 and 27, respectively, further comprising a step for identifying available advertising inventory from a total advertising inventory (p. 3, paragraph 39).

Referring to claim **24**, Carruthers et al. discloses a method as recited in claim 22, wherein the step for defining the weight comprises a step for defining the weight as either an absolute weight (p. 3, paragraph 34) or a relative weight (p. 5, paragraph 73).

Referring to claims **25** and **31**, Carruthers et al. discloses methods as recited in claims 22 and 28, respectively, wherein the weight for the committed advertisement can be used as either an absolute weight or a relative weight (p. 5, paragraphs 72-73). Referring to claim 25, see claim objections above.

Referring to claims **26** and **30**, Carruthers et al. discloses methods as recited in claims 22 and 28, respectively, wherein the weight for the flexible advertisement is a relative weight (the examiner notes that “filler” impressions are displayed when there is no content available to a user, and are therefore distinguished from the “needed” impressions of those advertisements on the master delivery plan)(p. 3, paragraph 34)(p. 5, paragraphs 73-74).

Referring to claim **33**, see the claim objections above. Carruthers et al. discloses a method as recited in claim 32, wherein each of the one or more target attributes defines a dimension of a multidimensional storage structure (Carruthers et al. discloses that constraints defining targeted advertising could include increasing the campaign length, reducing the number of requested impressions, or relaxing the profile constraints. Each of these constraints meets the



limitation of target attributes defining a dimension of a multidimensional storage structure)(p. 3, paragraph 29).

Referring to claims **35** and **36**, see the claim objections above. Carruthers et al. discloses a method as recited in claim 32, wherein the step for defining the weight comprises:

- a step for defining an advertising impression goal for an advertising campaign of the one or more advertising campaigns;
- a step for identifying a total advertising inventory of advertising impressions for the unique combination of the one or more target attributes for the advertising campaign of the one or more advertising campaigns (p. 3, paragraph 28); and
- a step for calculating the weight for the advertising campaign based upon the advertising impression goal and the total advertising inventory (p. 3, paragraphs 34, 35).

Referring to claims **37** and **38**, Carruthers et al. discloses a method as recited in claims 35 and 36, respectively, further comprising steps for identifying a conflict between the advertising impression goal and a total available advertising inventory for the unique combination of the one or more target attributes for the advertising campaigns and adjusting the weight for the advertising campaign to resolve the conflict between the advertising impression goal and the total available advertising inventory (p. 3, paragraphs 34 and 35).

Referring to claim **41**, Carruthers et al. discloses a method as recited in claim 36, further comprising a step for adjusting the advertising impression goal for a portion of the advertising campaign in conflict between the advertising impression goal and the total available advertising inventory (p. 2, paragraph 25).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **2, 7, 14-17, 34, 39-40, 42-43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Carruthers et al. in view of Cannon.

Referring to claims **2** and **14**, Carruthers et al. discloses methods as recited in claims 1 and 13, respectively. Carruthers et al. further discloses a Dynamic Campaign Manager component 50 that provides a portal to a system for advertisers to initiate and manage their advertising campaigns (p. 2, paragraph 22). Carruthers et al. does not disclose displaying a schedule of available advertising inventory to an advertiser via a graphical user interface. Cannon discloses a graphical user interface 125 that provides access to a database mining engine (DME) 126, 127, that provides an opportunity for a media planner to distribute advertisements over time or space based on actual or anticipated individual or collective advertising exposure (col. 28, l. 22-31). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Carruthers et al. to provide an advertiser with a graphical user interface such as that taught by Cannon in order to provide a more effective system for scoring, comparing and optimizing advertising campaigns for advertising agencies (col. 3, l. 21-25).

Referring to claims **7, 17, and 34**, Carruthers et al. discloses methods as recited in claims 1, 13, and 32, respectively. Carruthers et al. further discloses targeting subscriber groups (p. 2,

Art Unit: 2617

paragraphs 23, 29, 39). Carruthers et al. does not disclose that each target viewer be defined by at least one of advertisement location data, market area data, demographic data, geographic data, time data, date data, and data indicative of a time interval that the advertisement is active.

Cannon discloses defining a target viewer by elements surrounding the advertisement (col. 42, l. 50); the viewer's territory and demographics (col. 30, l. 32-36); and time and date data (col. 30, l. 40-43). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Carruthers et al. to target viewers according to elements surrounding an advertisement, a viewer's territory and demographics, and time and date data, such as that taught by Cannon in order to provide a more effective system for scoring, comparing and optimizing advertising campaigns for advertising agencies (col. 3, l. 21-25). Referring to claim 34, see claim objections.

Referring to claim **15**, the combination of Carruthers et al. and Cannon teaches a computer program product as defined in claim 14, wherein the computer readable medium further carries computer executable instructions for performing the step for notifying an individual utilizing the planning module when the requested impressions of one or more advertising campaigns exceeds the available advertising inventory (this limitation is met by the citation noted in the rejection of claim 3 above).

Referring to claim **16**, the combination of Carruthers et al. and Cannon teaches a computer program product as defined in claim 14, wherein the computer readable medium further carries computer executable instructions for performing the step for overbooking one or more entries in the schedule of the available advertising impressions (this limitation is met by the citation (this limitation is met by the citation noted in the rejection of claim 5 above)).

Referring to claims **39** and **43**, Carruthers et al. discloses a method as recited in claim 37. Carruthers et al. further discloses changing the priority of an advertisement in order to meet a campaign goal (p. 2, paragraphs 34, 35). Carruthers et al. does not disclose a step for adjusting a weight on a per attribute basis or adjusting a weight to resolve the conflict between an advertising impression goal and the total available advertising inventory. Cannon discloses five distinct indices that are scored and combined in order to generate an optimum advertising plan or schedule (col. 34, l. 15-33). Cannon further discloses making incremental modifications to a schedule to more closely meet media objectives (col. 31, 60-65), such as by generating an optimum advertising plan from demographic data, while excluding advertising spot timing (col. 34, l. 30-41). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Carruthers et al. to include distinct indices that are scored and combined in different combinations to generate an optimum advertising plan such as that taught by Cannon in order to provide a more effective system for scoring, comparing and optimizing advertising campaigns for advertising agencies (col. 3, l. 21-25).

Referring to claims **40** and **42**, Carruthers et al. discloses a method as recited in claim 37. Carruthers et al. does not disclose a step for adjusting a weight, comprising:

- a step for separating the advertising campaign into a plurality of sub-advertising campaigns and a sub-advertising impression goal;
- a step for adjusting the sub-weight/sub-advertising impression goal of one or more of the plurality of sub-advertising campaigns so that the sub-advertising impression goal of the sub-advertising campaign is equal to or less than the total available advertising inventory for the sub-advertising campaign; and

- a step for verifying that the aggregate of all sub-advertising impression goals is substantially equal to the overall advertising impression goal of the advertising campaign.

Cannon discloses summing advertising index scores into individual subtotals (the examiner notes that targeting an individual according to index scores meets the limitations of a “sub-advertising campaign”)(col. 67, l. 45-55), optimizing an advertising plan according to characteristics of each person (this meets the limitation “each sub-advertising campaign comprising a sub-weight”)(col. 67, l. 30-45)(Fig. 41), and valuing certain amounts of exposures, frequency of exposures, and timing of exposures more than others, thereby optimizing an advertising schedule (this meets the limitation of a “sub-advertising impression goal”(col. 67, l. 9-29)(col. 68, l. 45-64)(Fig. 35). Cannon further discloses identifying targeted groups that are over-exposed to advertisements, identifying spots to which the group is collectively exposed, and eliminating them from the schedule during the optimization process (this meets the limitations of “adjusting the sub-weight/sub-advertising impression goal so that the sub-advertising impression goal of the sub-advertising campaign is equal to or less than the total available advertising inventory for the sub-advertising campaign.”)(col. 60, l. 30-33). Lastly, Cannon discloses computing the total value of an audience to an advertiser, the value of which is used by the advertiser to optimize an advertising plan or schedule for a target group (col. 63, l. 16-20)(col. 62, l. 56-67). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Carruthers et al. to include steps for summing advertising index scores into individual subtotals, optimizing an advertising plan and schedule according to the characteristics of each person, eliminating targeted groups during the optimization process, and

Art Unit: 2617

computing the total value of an audience to an advertiser, such as that taught by Cannon in order to provide a more effective system for scoring, comparing and optimizing advertising campaigns for advertising agencies (col. 3, l. 21-25).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Logan et al. discloses an audio program and message distribution system in which a host system organizes and transmits program segments to client subscriber locations.

Nathaniel discloses a method for scheduling delivery of items of content to a plurality of network devices.

Wilson et al. discloses a method and apparatus for delivering target assets to subscribers using communication media.

Drazin discloses a system for targeting adverts at viewers.

Kurtzman, II et al. discloses a system for selecting and providing information.

Gordon et al. discloses a system for managing the addition/deletion of media assets within a network based on usage and media asset metadata.

Krewin et al. discloses a system and method for the scaleable delivery of targeted commercials.

Cannon discloses a method and apparatus for quickly and easily retrieving, manipulating and analyzing large quantities of computer-based data relevant to television-viewing consumers.

Art Unit: 2617

Labeeb et al. discloses a method and apparatus for delivery of television programs and targeted advertising.

Fagnani et al. discloses a system and method for reporting counted impressions.

Grauch et al. discloses a method and system for tracking network use.

Finseth et al. discloses a method and apparatus for sharing viewing preferences.

Bienvenu et al. discloses a method for distributing information to subscribers over a network.

Peterson, Jr. discloses a service methodology for time-based availability to content of a storage medium.

Chandler-Pepelnjak et al. discloses a system and method for determining Internet advertising strategy.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571.272.7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

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Michael Van Handel  
Examiner  
Art Unit 2617

MVH



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